

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
)
) Court No.: 14-cr-10363-RGS-11, 12
v.)
)
KATHY S. CHIN,)
MICHELLE L. THOMAS,)
)
Defendants.)
)

**MOTION FOR TRIAL DATE AND TO EXCLUDE TIME
UNTIL THAT DATE UNDER THE SPEEDY TRIAL ACT**

The United States of America hereby moves this Court to schedule the trial of defendants Kathy S. Chin and Michelle L. Thomas (“the defendants”) on a date as soon as practicable, and exclude under the Speedy Trial Act all time from October 4, 2018, through that trial date.

The Court has previously ordered that the period from December 17, 2014 (the date of the defendants’ initial appearances in the case), through October 4, 2018, be excluded from the Speedy Trial Act computation in the interests of justice, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(ii). Magistrate Judge Boal previously found that “this case is sufficiently unusual and complex, given the number of defendants and the volume of discovery, ‘that it is unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established’ by the Speedy Trial Act.” Order on Excludable Time (Doc. No. 533), at 1 (Feb. 5, 2016) (quoting 18 U.S.C. § 3161(h)(7)(B)(ii)).

On September 24, 2018, this Court granted the defendants’ motion to sever their trial from that of their remaining co-defendants Gene Svirskiy, Christopher Leary, Joseph Evanovsky, Sharon Carter, Alla Stepanets, and Gregory Conigliaro, which is set to begin on October 2, 2018 (Doc.

No. 1619). The government requests that a trial date for defendants Kathy Chin and Michelle Thomas be scheduled for a time as soon as possible after the conclusion of the October 2, 2018 trial, and preferably a date in December 2018. The government submits that the reasons supporting the Court's previous exclusions under the Speedy Trial Act still persist. Therefore, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and 3161(h)(7)(B)(ii), the interests of justice in this case, *i.e.*, review of the case, review of evidence, investigation, evaluation of discovery, preparation for trial, and considerations of alternatives concerning how to best proceed with this matter, outweigh the best interests of the public and the defendants for a trial within 70 days of the return of the Indictment.

For these reasons, the parties request that the Court schedule the trial for the defendants as soon as possible, and that the Court exclude the period from October 4, 2018, through that trial date from any Speedy Trial Act computation.

Respectfully submitted,

ANDREW E. LELLING
UNITED STATES ATTORNEY

By: /s/ Amanda P.M. Strachan
AMANDA P.M. STRACHAN
BBO # 641108
GEORGE P. VARGHESE
Assistant United States Attorneys
John J. Moakley United States Courthouse
One Courthouse Way, Suite 9200
Boston, Massachusetts 02210
(617) 748-3100
amanda.strachan@usdoj.gov
george.varghese@usdoj.gov

Dated: October 1, 2018

Certificate of Service

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to counsel for the defendants, who are registered participants as identified on the Notice of Electronic Filing (NEF).

By: /s/ Amanda P.M. Strachan
AMANDA P.M. STRACHAN
Assistant United States Attorney

Dated: October 1, 2018